

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAUL DAVIS, : 07 Civ. 9265 (SHS)

Petitioner, :

-against- : ORDER

THE PEOPLE OF THE STATE OF NEW YORK, :

Respondent. :

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SIDNEY H. STEIN, U.S. District Judge.

On May 18, 2011, Magistrate Judge Frank Mass issued a Report and Recommendation recommending that Davis' petition pursuant to 28 U.S.C. § 2254 be denied. Objections to the Report & Recommendation were due on June 6, 2011. To date, no objections have been received by the Court. After a *de novo* review of the May 18, 2011, Report and Recommendation,

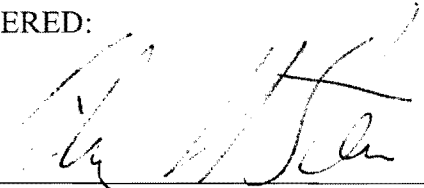
IT IS HEREBY ORDERED that:

1. Magistrate Judge Maas' Report and Recommendation is adopted;
2. The petition pursuant to 28 U.S.C. § 2254 is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
June 23, 2011

SO ORDERED:



Sidney H. Stein, U.S.D.J.